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Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS IRIBE,

Defendant.

CASE NO. 2:22-CR-00164-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL
ACT; ORDER

DATE: December 14, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and
defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on December 14, 2023.
2. By this stipulation, defendant now moves to continue the status conference until January 18, 2024, and to exclude time between December 14, 2023, and January 18, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) On September 28, 2023, the United States conveyed a written plea agreement to defense counsel. On October 23, 2023, the parties met and conferred regarding the plea agreement. Counsel for the defendant relayed that he has not

1 had sufficient time to review all of the terms of the plea agreement and respond to
2 questions from the defendant. On December 5, 2023, the parties again conferred
3 regarding resolution of the case. Counsel for the defendant relayed that he needed
4 additional time. Accordingly, counsel for the defendant is requesting a continuance
5 to allow him additional time to meet with the defendant and determine whether the
6 defendant wants to accept the plea agreement or set the matter for trial.

7 b) The United States conveyed to defense counsel that the United States
8 will oppose any future continuances and will ask the Court to set a trial date on
9 January 18, 2024, if the case has not been resolved.

10 c) Counsel for defendant believes that failure to grant the above-
11 requested continuance would deny him the reasonable time necessary for effective
12 preparation, taking into account the exercise of due diligence.

13 d) The government does not object to the continuance.

14 e) Based on the above-stated findings, the ends of justice served by
15 continuing the case as requested outweigh the interest of the public and the
16 defendant in a trial within the original date prescribed by the Speedy Trial Act.

17 f) For the purpose of computing time under the Speedy Trial Act, 18
18 U.S.C. § 3161, et seq., within which trial must commence, the time period of
19 December 14, 2023 to January 18, 2024, inclusive, is deemed excludable pursuant to
20 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a
21 continuance granted by the Court at defendant's request on the basis of the Court's
22 finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 5, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JUSTIN L. LEE
JUSTIN L. LEE
Assistant United States Attorney

Dated: December 5, 2023

/s/ TIM F. TUITAVUKI
TIM F. TUITAVUKI
Counsel for Defendant
JESUS IRIBE

ORDER

IT IS SO ORDERED this 6th day of December, 2023.

Dated: December 6, 2023

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE